

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

_____	:	
DARNELL SCURRY,	:	
	:	
Petitioner,	:	Civil Action No. 14-7934(RMB)
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
_____	:	

**BUMB**, District Judge

This matter comes before the Court upon Petitioner's written statement that he wishes to proceed with his petition, initially filed under 28 U.S.C. § 2241, as his motion to vacate, set aside or correct a sentence under 28 U.S.C. § 2255. (ECF. No. 8).<sup>1</sup> Petitioner is aware that his § 2255 motion is untimely, but he seeks to submit a brief explaining why the statute of limitations should be equitably tolled.

IT IS, therefore, on this **6th** day of **August 2015**,

**ORDERED** that the Clerk shall reopen this matter; and it is further

<sup>1</sup> Petitioner's judgment of conviction was entered on May 31, 2013. U.S.A. v. Scurry, Crim. Action No. 11-0851 (D.N.J. May 31, 2013, ECF No. 17.)

**ORDERED** that Petitioner shall have until September 5, 2015 to submit to this Court his written brief explaining why the one-year statute of limitations for his § 2255 motion should be equitably tolled; and it is further

**ORDERED** that the Clerk shall serve this Memorandum and Order upon Plaintiff by regular U.S. Mail.

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
**UNITED STATES DISTRICT JUDGE**